

76-3-301.5 Uniform fine schedule -- Judicial Council.

- (1) The Judicial Council shall establish a uniform recommended fine schedule for each offense under Subsection 76-3-301(1).
 - (a) The fine for each offense shall proportionally reflect the seriousness of the offense and other factors as determined in writing by the Judicial Council.
 - (b) The schedule shall be reviewed annually by the Judicial Council.
 - (c) The fines shall be collected under Section 77-18-1.
- (2) The schedule shall incorporate:
 - (a) criteria for determining aggravating and mitigating circumstances; and
 - (b) guidelines for enhancement or reduction of the fine, based on aggravating or mitigating circumstances.
- (3) Presentence investigation reports shall include documentation of aggravating and mitigating circumstances as determined under the criteria, and a recommended fine under the schedule.
- (4) The Judicial Council shall also establish a separate uniform recommended fine schedule for the juvenile court and by rule provide for its implementation.
- (5) This section does not prohibit the court from in its discretion imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

Enacted by Chapter 152, 1988 General Session